

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RICARDO PHIPPS,

Plaintiff,

1:21-cv-1036 (BKS/CFH)

v.

NORTHERN RIVERS, et al.,

Defendants.

Appearances:

Plaintiff pro se:

Ricardo Phipps
Troy, NY 12180

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff pro se Ricardo Phipps filed this action alleging, inter alia, employment discrimination based on race and sex, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Christian F. Hummel who, on March 29, 2022, issued a Report-Recommendation recommending that the following claims be dismissed without prejudice and with opportunity to amend: (1) claims of discrimination and retaliation in violation of Title VII against Plaintiff's former employer, Northern Rivers, and (2) any claim under 42 U.S.C. § 1983. (Dkt. No. 5). Magistrate Judge Hummel recommended that the following claims be dismissed with prejudice: (1) discrimination and retaliation in violation of Title VII against the individual defendants, and (2) slander against all defendants. (*Id.*). Magistrate Judge Hummel advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and

that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 19–20). Plaintiff did not file an objection to the Report-Recommendation.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

ORDERED that Magistrate Judge Hummel’s Report-Recommendation (Dkt. No. 5) is **ADOPTED**; and it is further

ORDERED that the following claims in the complaint (Dkt. No. 1) are **DISMISSED WITH PREJUDICE**: (1) claims for discrimination and retaliation in violation of Title VII against the individual defendants, and (2) claims for slander against all defendants; and it is further


ORDERED that (1) Plaintiff’s claims for discrimination and retaliation in violation of Title VII against his former employer Northern Rivers, and (2) any claim under 42 U.S.C. § 1983 are **DISMISSED without prejudice** and with opportunity to amend; and it is further

ORDERED that any amended complaint must comply with the directions in the Report-Recommendation, and if Plaintiff fails to file an amended complaint within 30 days of the date of this Order, the Clerk of the Court will close this case without further order of the Court; and it is further

ORDERED that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: July 11, 2022
Syracuse, New York


Brenda K. Sannes
U.S. District Judge